

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

I.B.E.W. LOCAL 139 PENSION FUND, *etc. at al.*,

Plaintiffs,

- against -

LINKIN SYSTEMS, LLC and JEREMY BUTLER, Individually,
Defendants.

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) Civil Action No.
) 3:19-cv-01341
) (GTS/ML)
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STIPULATED ORDER AND JUDGMENT

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs I.B.E.W. Local 139 Pension Fund, I.B.E.W. Local 139 Annuity Fund, I.B.E.W. Local 139 Welfare Fund, and I.B.E.W. Local 139 Education Fund ["Funds"] together with the International Brotherhood of Electrical Workers, Local Unions No. 139 ["Union"] against Defendants Linkin Systems, LLC and Jeremy Butler, individually, as follows:

RECITALS

A. The undersigned individuals have full authority required to bind the parties in the above captioned action, as well as the parties' successors, heirs, trustees, administrators, executors, officers, employees, personal representatives, endorses, assigns, subsidiaries, related entities, affiliates, or alter egos to the terms of this Stipulated Order and Judgment [hereinafter "Stipulation"] and any judgment and/or order resulting from it.

B. On October 30, 2019, Plaintiffs commenced the above captioned civil actions to collect contributions, deductions, interest, liquidated damages, attorneys' fees, audit fees, and costs related to hours worked in covered employment during the period January 1, 2017 through March 31, 2019 pursuant to Sections 502(g)(2) and 515 of the Employee Retirement Income Security Act

of 1974, as amended ("ERISA"), 29 U.S.C. §1132(g)(2), 1145, and Section 301(a) of the Labor Management Relations Action of 1947 ("LMRA"), 29 U.S.C. §185(a).

C. The parties concede that this United States District Court has subject matter jurisdiction over these actions and that, by agreeing to a judgment in these matters, Defendants voluntarily consent to this Court exercising jurisdiction over them personally.

D. Defendants admit that they are indebted to Plaintiffs as follows:

i. After the first payment made by Schuler-Haas Electrical Corp., the employer still owes \$10,785.03, representing \$4,095.55 in fringe benefit contributions and deductions related to work in covered employment during the period January 1, 2017 through February 28, 2019, \$3,823.33 in interest, and \$2,866.15 in liquidated damages.

ii. The employer owes \$3,979.23 in attorneys' fees, audit fees, and costs.

E. By execution of this Stipulation and in consultation with independent legal counsel, Defendants authorize entry of judgment in the above captioned consolidated cases for \$14,764.26 due to I.B.E.W. 139 Funds and Union with execution limited pursuant to this Stipulation.

TERMS OF JUDGMENT AND ORDER

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the Clerk of the Court shall enter judgment in the above captioned consolidated cases in favor of Plaintiffs and against Defendants in the amount of \$14,764.26, plus post-judgment interest at the statutory rate. Plaintiffs shall have execution on this Judgment as described below.

Plaintiffs shall suspend the execution of this Judgment provided Defendants pay Plaintiffs five hundred dollars and no cents (\$500.00) per month on and after March 1, 2020 and until Defendants have satisfied the Judgment.

If Defendants fail to abide by these payment arrangements, Plaintiffs shall immediately have execution of the Judgment without further order of the Court. To encourage cooperation with these payment arrangements, Plaintiffs shall discontinue collection of the liquidated damages (in the amount of \$2,866.15) and file a Satisfaction of Judgment with this Court if the Defendants timely remit the agreed upon amounts to Plaintiffs along with assisting with the collection of the additional monies from the Schuler-Haas Electrical Corp.

IN WITNESS WHERE OF, the counsel to the parties have hereunto set their hands and seals as of the date stated below:

DATED: February 14, 2020

LAMA LAW FIRM, LLP

By: 

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DATED: February 14, 2020


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IT IS SO ORDERED:

Dated: 2/20/2020


Hon. Glenn T. Suddaby
Chief U.S. District Judge